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IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D. C.

Docket No. H[redacted] 127
1963

H. J. RYAN, *Appellant*, Acting As His Own Counsel, Box 881, Nashville, Tennessee, United States of America,

vs.

THE PRESIDENT OF THE SENATE, United States Congress, Washington, D. C.

APPEAL FROM UNITED STATES DISTRICT COURT FOR MIDDLE DISTRICT OF TENNESSEE, NASHVILLE, TENNESSEE, AND FROM UNITED STATES APPEALS COURT FOR SIXTH DISTRICT, CINCINNATI, OHIO.

BRIEF OF APPELLANT.

Copy to:

Counsel for Defendant,
U. S. Attorney,
U. S. Court House,
Nashville, Tennessee.

April 15th, 1963.

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IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D. C.

Docket No. .....

H. J. RYAN, *Appellant,* Acting As His Own Counsel, Box 881, Nashville, Tennessee, United States of America,

VS.

THE PRESIDENT OF THE SENATE, United States Congress, Washington, D. C.

APPEAL FROM UNITED STATES DISTRICT COURT FOR MIDDLE DISTRICT OF TENNESSEE, NASHVILLE, TENNESSEE, AND FROM UNITED STATES APPEALS COURT FOR SIXTH DISTRICT, CINCINNATI, OHIO.

BRIEF OF APPELLANT.

1.

This particular case was filed with United States District Court for Middle District of Tennessee at Nashville, Tennessee, on January 19th, 1962, Civil Case 3178, plaintiff acting as his own counsel, requested a 3-Judge hearing because of the extreme importance of the case, however only a 1-Judge hearing was given on July 18th, 1962, with 3-Judge hearing denied and case dismissed, whereupon appeal was made to the United States Appeals Court for Sixth

District, Cincinnati, Ohio, Appeal Case 15,069, filed on July 27th, 1962, for a 3-Judge hearing, and this 3-Judge hearing was given on February 20th, 1963, with decision of lower Court affirmed, however appellant requested the vote of the 3-Judges who heard the case, whether the vote was 0-3. 1-2, with names of Judges affirming or disaffirming, but this request was refused, only the Court Order of the Chief Judge being given.

2.

Paragraphs 1 and 2 of Section 2 of Article 3 of Constitution of the United States gives the Supreme Court "appellate jurisdiction" in cases where a "citizen" and the "United States" are parties to a cause. This copy presented to the Clerk of the Court for printing is within the time limit prescribed in Rule 41 of Revised Rules of the Supreme Court of the United States.

3.

This case is a plain violation of Paragraphs 2 and 4 of Section 1 of Article 2 of the Constitution of the United States, and Sections 1 and 7 of Title 3 of United States Code, in the election of President and Vice-President on November 8th, 1960, and the unconstitutional and unlawful seating of the present President and Vice-President of the United States on January 20th, 1961, with all of their official acts since that time, both national and international, unconstitutional and unlawful.

4.

Paragraph 2 of Section 1 of Article 2 of the Constitution of the United States reads:

> "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors * * *".

Paragraph 4 of Section 1 of Article 2 of the Constitution of the United States reads:

> "The Congress may determine the time of choosing the electors * * *".

The United States Congress determined this time with Section 1 of Title 3 of the United States Code which reads as follows:

> "The electors for President and Vice-President shall be appointed in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of President and Vice-President".

This puts the appointment of the electors by the State Legislature of each State on General Election Day every four years, the same day the people are voting in a popular vote election, which popular vote election has never been authorized by the Constitution of the United States since the United States was established as a Nation. 78 letters of proof and evidence are presented with this brief proving that the State Legislature of 38 States of the United States, representing 435 electoral votes, which is a great majority of the 537 required to elect the President and Vice-President, were never "assembled" to "appoint" the electors conformable to Paragraphs 1 and 4 of Section 1 of Article 2 of the Constitution of the United States, and Section 1 of Title 3 of the United States Code.

5.

Paragraph 4 of Section 1 of Article 2 of the Constitution of the United States reads:

> "* * * the Congress may determine the day on which they (the electors) shall give their vote, which day shall be the same throughout the United States".

The United States Congress determined this time with Section 7 of Title 3 of the United States Code which reads as follows:

> "The electors for President and Vice-President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the Legislature of such State shall direct."

When there is nothing unusual about the General Election of the people other than it is not authorized by the Constitution of the United States, the electors in the General Election, which electoral vote election has been authorized by the Constitution of the United States since the United States was established as a Nation, will be guided by the way the people vote, but there are three instances in the election of President and Vice-President in the United States where the electoral vote did not agree with the popular vote, in 1824, in 1876, and in 1888, and as there is no constitutional authorization for the popular vote, and there is for the electoral vote, the electoral vote has always taken precedence over the popular vote. There was something unusual about the election of November 8th, 1960, it is this, of the 100 percent citizenship population of the United States, 65.1 to 69 percent approximately, according to the Census of 1960, are White Protestant Christians, and only 19 to 20.5 percent are Catholics. The electors in assembling to give their vote in a constitutional and lawful way according to the Constitution and Code of the United States, would have seen that it was wrong to seat a Catholic President of the United States where there are over three times the number of Majority White Protestant Christians to Catholics, and they would have corrected this very obvious error, however because the electoral vote was not obtained in a constitutional and lawful way they were unable to make this correction.

However, the matter will be corrected if we have another electoral vote election, one that is conformable to Paragraphs 2 and 4 of Section 1 of Article 2 of the Constitution of the United States, and Section 1 and 7 of Title 3 of the United States Code.

6.

This matter should be acted upon by the Supreme Court of the United States at once as all the official acts of the present President and Vice-President of the United States are unconstitutional and unlawful, both national and international, as they were unconstitutionally and unlawfully seated on January 20th, 1961, as the election of November 8th, 1960, was unconstitutional and unlawful, and the Supreme Court of the United States should issue a Court Order to the United States Congress that another electoral vote election should be held, one that is constitutional and lawful, conformable to Paragraphs 2 and 4 of Section 1 of Article 2 of the Constitution of the United States. and Section 1 and 7 of Title 3 of the United States Code, however, the present President and Vice-President must be replaced by a temporary President and Vice-President, while another electoral vote is held that is constitutional and lawful, to seat a President and Vice-President whose official acts are constitutional and lawful, both national and international, and this will be further referred to in the concluding paragraph of this brief.

7.

Prior to 1913 and the ratification of the 17th Amendment to the Constitution of the United States, United States Senators were elected by the State Legislature of the various States of the United States, however with 1913 and the ratification of the 17th Amendment by 2/3 of Congress and 3/4 of the States United States Senators began to be

elected by the people. If the United States Congress wants the President and Vice-President of the United States elected by the people instead of vote of electors appointed by the State Legislature of the various States of the United States, it is within their power to propose such an Amendment to the Constitution of the United States, however until it is ratified by 2/3 of Congress and 3/4 of the States, Paragraphs 2 and 4 of Section 1 of Article 2 of the Constitution of the United States, and Sections 1 and 7 of Title 3 of United States Code must be conformed with in the election of President and Vice-President of the United States.

8.

The election of President and Vice-President of November 8th, 1960, can only be made constitutional and lawful in this way. The Supreme Court of the United States should notify the United States Congress with a Court Order that the election of President and Vice-President of November 8th, 1960, was unconstitutional and unlawful because it did not conform to Paragraphs 2 and 4 of Section 1 of Article 2 of the Constitution of the United States, and did not conform to Section 1 and 7 of Title 3 of United States Code about the "time and appointment of electors" and the "time they should have given their votes", as 78 letters of proof and evidence from members of the State Legislature of 38 States of the United States, representing 435 electoral votes, which is a great majority of the 537 required to elect the President and Vice-President, in which they state they were never "assembled" to "appoint" the electors for President and Vice-President, therefore the election of November 8th, 1960, was unconstitutional and unlawful and must be held over again, and the present President and Vice-President of the United States were unconstitutionally and unlawfully seated on January 20th, 1961, and all their official acts since that time, both na-

tional and international, are unconstitutional and unlawful, and the present President and Vice-President shall be notified immediately that they have been unconstitutionally and unlawfully seated, and under Section 3 of Article 20 of Amendments to the Constitution of the United States which reads:

> "* * * and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President and Vice-President shall have qualified."

A temporary President and Vice-President shall be selected until a constitutional and lawful President and Vice-President has been chosen by the electors and seated. Therefore the United States Congress according to the foregoing should notify the present Governors of the 50 States of the United States that the election of President and Vice-President on November 8th, 1960, was unconstitutional and unlawful, and that another electoral vote election must be held conformable to the Constitution and Code of the United States, therefore the present Governors of the 50 States of the United States shall notify the Governors that were the Governors on November 8th, 1960, so much as it is possible to do so, to assemble the Members of the State Legislature that were the Members of the State Legislature on November 8th, 1960, so much as it is possible to do so, and Congress shall name the day on which these electors shall be appointed by the Members of the State Legislature of the 50 States of the United States conformable to Paragraphs 2 and 4 of Section 1 of Article 2 of the Constitution of the United States, and Section 1 of Title 3 of the United States Code, and the United States Congress shall name the day on which these electors shall

give their vote conformable to Paragraph 4 of Section 1 of Article 2 of the Constitution of the United States and Section 7 of Title 3 of the United States Code, which day shall be the same throughout the United States, and the electors will give their votes for President and Vice-President of the United States on this day, and transmit their votes, signed, certified and sealed, to the President of the Senate, Washington, District of Columbia, which President of the Senate should be the President of the Senate that was the President of the Senate on November 8th, 1960, who shall open the votes of the electors in the presence of a Joint Session of the United States Congress, that was the Joint Session of the United States Congress on January 20th, 1961, so much as it is possible to do so, and all the citizens of the United States will know who has been constitutionally and lawfully elected the President and Vice-President of the United States, who will be seated constitutionally and lawfully as the President and Vice-President of the United States, and all of their official acts thereafter, both national and international, will be constitutional and lawful.

/s/ H. J. Ryan,
H. J. Ryan,
Appellant,
Box 881,
Nashville, Tennessee, USA.

April 10th, 1963.

JURISDICTIONAL STATEMENT.

1.

This particular case was placed before the United States District Court for the Middle District of Tennessee, at Nashville, Tennessee, on January 19th, 1962, asking for

an extraordinary and above every other case hearing due to the extreme importance of this case, however this case was not given an extraordinary hearing, and on July 9th, 1962, the complainant and appellant requested a 3-Judge Hearing, pages 21 and 29 of this brief.

2.

There was only a 1-Judge Hearing of the case and on July 18th, 1962, the District Judge issued Court Order, overruling Motion for 3-Judge Hearing and dismissing the case, page 18.

3.

Complainant and appellant was given a 3-Judge Hearing by the United States Appeals Court for Sixth District, Cincinnati, Ohio, and on February 22nd, 1963, Court Order of Chief Judge was issued affirming decision of lower Court, but the Chief Judge refused to state how the 3-Judges voted, whether 0-3, 1-2, with names of Judges, and this Appeal was brought on to the Supreme Court of the United States at Washington, page 15.

4.

Paragraphs 1 and 2 of Section 2 of Article 3 of Constitution of the United States gives the Supreme Court "appellate jurisdiction" in cases where a "citizen" and the "United States" are parties to a cause.

5.

Paragraphs 2 and 4 of Section 1 of Article 2 of the Constitution of the United States and Section 1 of Title 3 of United States Code, cited and quoted on pages 2-3 of this brief provides for the "appointment" and "time of appointment" of electors for President and Vice-President of the

United States, and Paragraph 4 of Section 1 of Article 2 of the Constitution of the United States and Section 7 of Title 3 of United States Code, cited and quoted on pages 3-4 of this brief provides for the time "the electors shall give their vote" for President and Vice-President of the United States.

6.

78 letters of proof and evidence from Members of the State Legislature of 38 States of the 50 States of the United States, pages 47 to 125 representing 435 electoral votes, which is a great majority of the 537 required to elect the President and Vice-President, in which they advise they were never assembled to "appoint" the electors for President and Vice-President on November 8th, 1960, making the Presidential and Vice-Presidential election of November 8th, 1960, unconstitutional and unlawful, and the seating of the present President and Vice-President on January 20th, 1961, unconstitutional and unlawful, with all their official acts since that time unconstitutional and unlawful, both national and international.

7.

This matter of the unconstitutional and unlawful election of President and Vice-President on November 8th, 1960, was placed before the Supreme Court of the United States before Thanksgiving Day in 1960, and before Inauguration Day of January 20th, 1961, but they refused to take original jurisdiction, however at this time the complainant and appellant only had proof and evidence from several of the States, but it was very evident that a pattern of unconstitutionality and unlawfulness was being followed, and complainant and appellant wrote a personal letter to each of the Nine Justices of the Supreme Court, urging them to take jurisdiction as it was very evident

that the election of President and Vice-President of November 8th, 1960, was unconstitutional and unlawful, but he received no reply from any of them. Complainant and appellant wrote 537 letters to each Member of House and Senate of United States Congress before they convened in January, 1961, and before Inauguration Day of January 20th, 1961, but they seemed to be "full of politics" and not wanting to do anything to hurt their political parties or to hurt their chances of "getting elected again", so it was necessary for complainant and appellant to go back to the United States Courts who are appointed for life and don't have to worry about political parties and "getting elected again", and not being able to get the Supreme Court of the United States to take original jurisdiction, complainant and appellant had to bring this matter up in an appellate way through United States District and Appeals Court, so complainant about March 15th, 1961, when he had received proof and evidence from a sufficient number of Members of State Legislature from 38 States representing a majority of 537 electoral votes required to elect the President and Vice-President of the United States, filed a case with the United States District Court for the District of Columbia at Washington, but when the trial came up about 90 days thereafter complainant appellant wanted the Judge to look at the 78 letters of proof and evidence that the Presidential and Vice-Presidential election of November 8th, 1960, was unconstitutional and unlawful, and that the present President and Vice-President of the United States were unconstitutionally and unlawfully seated on January 20th, 1961, but the trial Judge refused to look at these 78 letters of proof and evidence, and the case was appealed to the United States Court of Appeals for the District of Columbia at Washington, and this Appeals Court would not allow complainant and appellant to come to Washington to see whether it was a 3-Judge Hearing or a 1-Judge Hearing,

and complainant and appellant considered both these hearings in the United States District Court and the United States Appeals Court at Washington unfair, and he refused to take the case up to the Supreme Court of the United States through these two Courts, so he filed a new case with the United States District Court for the Middle District of Tennessee at Nashville, Tennessee, and in order that the trial Judge would not fail to look at the 78 letters of proof and evidence he attached them to the complaint, and these 78 letters of proof and evidence were also attached to the appeal before the United States Court of Appeals for Sixth District at Cincinnati, Ohio, and they are now attached to this file, pages 47 to 125, in this Appeal to the Supreme Court of the United States at Washington.

8.

This is a clear case of unconstitutionality and unlawfulness in the election of President and Vice-President of November 8th, 1960, of the present President and Vice-President of the United States being unconstitutionally and unlawfully seated on January 20th, 1961, and of all of their official acts since that time, both national and international, being unconstitutional and unlawful.

Note: Service of copy of this Jurisdictional Statement will be made upon counsel for defense, as his name is shown on cover of this brief, when the Clerk of the Court will distribute five copies each to counsel for appellant and counsel for defense, conformable to paragraph 5 of Rule 36 of Revised Rules of the Supreme Court of the United States, and this jurisdictional statement will be comprised within this brief.

ORDER FOR ENTRY OF APPEARANCE OF H. J. RYAN, CITIZEN OF THE UNITED STATES, TO ACT AS HIS OWN ATTORNEY IN THE APPEAL CASE OF H. J. RYAN vs. THE PRESIDENT OF THE SENATE.

H. J. Ryan, citizen of Nashville, Tennessee, United States of America, the appellant in the above case, makes solemn oath or affirmation,

> "* * * that he will demean himself, acting as his own counsel in the above case, uprightly, and according to law; and that he will support the Constitution of the United States, and witness his signature below as proof of this solemn oath or affirmation."

The appellant has acted as his own counsel in this particular case before the United States District Court at Nashville, Tennessee, and before the United States Appeals Court for the Sixth District, Cincinnati, Ohio, and respectfully requests that he be allowed to act as his own counsel before the Supreme Court of the United States at Washington, D. C. Under Rule 6 of Revised Rules and Regulations, page 3, foreign counsel are allowed to appear before the Supreme Court of the United States limited to a particular case, and this limited privilege should certainly be allowed citizens of the United States.

/s/ H. J. Ryan,
H. J. Ryan,
Appellant,
Acting as his own
Counsel.

Date: .....

Order for Entry of Appearance OK'd by:

.....

Chief Justice,
Supreme Court of the
United States, Washington, D. C.

NOTICE OF APPEAL FROM UNITED STATES DISTRICT COURT FOR 6th DISTRICT, CINCINNATI, OHIO.

H. J. Ryan, Plaintiff, Appellant,
vs.
The President of the Senate.

Civil Action Appeal No. 15,069.

1.

1. Notice is hereby given that the plaintiff-appellant above named hereby appeals to the Supreme Court of the United States from Order of above Court. This appeal taken pursuant to 28 U.S.C., Section 1253.

2. The clerk of above Court has already submitted transcript of record in this cause, for transmission to Clerk of Supreme Court of the United States, and it no doubt has already been received by this time.

3. The following questions are presented by this appeal,

The applicability of Paragraph 2 of Section 1 of Article 2 of the Constitution of the United States, and the applicability of Paragraph 4 of Section 1 of Article 2 of the Constitution of the United States, and Section 1 of Title 3 of United States Code about "time of choosing electors".

The applicability of Paragraph 4 of Section 1 of Article 2 of the Constitution of the United States, and the applicability of Section 7 of United States Code, Title 3 about "when electors shall give their vote".

78 letters of proof and evidence from 38 States, representing 435 electoral votes, a majority of 537 required to elect the President and Vice-President, in

which members of State Legislature of these States state they were never assembled to "appoint" these electors, making the Presidential and Vice-Presidential election of November 8th, 1960, unconstitutional and unlawful, with all their official acts since, both national and international, unconstitutional and unlawful.

H. J. Ryan,
Appellant,
Box 881,
Nashville 1, Tennessee.

March 31st, 1963.

March 13, 1963

Mr. H. J. Ryan
Box 881
Nashville 1, Tenn.

Re: H. J. Ryan vs The President
of the Senate—No. 15,069

Dear Mr. Ryan:

I am directed by the Court to advise you that it had no jurisdiction to pass upon the Constitutional questions which you had raised because no proper summons had been served on the defendants in the case.

Yours very truly

s/ Carl W. Reuss, Clerk

CWR:HT

No. 15,069

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Filed Feb. 22, 1963

H. J. RYAN,
Plaintiff-Appellant,
vs
THE PRESIDENT OF THE SENATE, UNITED STATES CONGRESS,
Defendant-Appellee.

ORDER

Before: WEICK and O'SULLIVAN, Circuit Judges, and DARR, District Judge

Upon consideration of the appeal in the above case the Court finding no error in the proceedings and judgment of the District Court,

IT IS ORDERED that the judgment be affirmed.

Approved for entry:

s/ Paul C. Weick,
United States Circuit Judge

15069

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

H. J. RYAN
Plaintiff-Appellant
v.
THE PRESIDENT OF THE SENATE
Defendant-Appellee

Civil Action
No. 3178

RECORD ON APPEAL

(Filed July 27, 1962. Carl W. Reuss, Clerk.)

Attorney for Plaintiff-Appellant: H. J. Ryan, P. O. Box 881, Nashville 3, Tennessee.

Attorney for Defendant-Appellee: Kenneth Harwell, U. S. Attorney, Nashville 3, Tennessee.

(Filed July 18, 1962. Andrew H. Mizell, Clerk. By Betty Carter, D. C.)

United States Court of Appeals for Sixth Circuit, Cincinnati, Ohio.

This is an Appeal for a Three-Judge Hearing from Order to Dismiss from One-Judge Hearing of Civil Action 3178, filed January 19th, 1962, H. J. Ryan vs The President of the Senate, in the United States District Court for Middle District of Tennessee, Nashville, Tennessee. Appellant respectfully requests right to appear in person to speak in behalf of this appeal before the Two or Three Judge Appeals Court.

1.

This is probably the most important case ever placed before a United States Court, and should be given extraordinary and above every other case hearing, as the present President and Vice-President of the United States have been unconstitutionally and unlawfully seated since January 20th, 1961, and overwhelming proof and evidence of this unconstitutional and unlawful seating is presented with 78 letters from Members of the State Legislature of 38 States of the 50 States of the United States, representing 435 electoral votes, which is a great majority of the 537 required to seat the President and Vice-President, in which these Members of the State Legislature state that they were never assembled in joint session of the State Legislature of these 38 States to "appoint" the electors conformable to Paragraphs 2 and 4 of Section 1 of Article 2 of the Constitution of the United States, therefore the present President and Vice-President of the United States were unconstitutionally and unlawfully seated on January 20th, 1961, and have been unconstitutionally and unlawfully seated since that time. Three-Judge hearing of this matter was ruled against by Judge Miller of the above Court, however Complainant points out in his appeal that this is a more important case than the recent reapportionment case given a Three-Judge Hearing by the above Court, and for this reason this more important case should be given a Three-Judge Hearing, and this Appeal is particularly made for a Three-Judge Hearing of this case rather than just a One-Judge Hearing.

/s/ H. J. Ryan
Complainant and Appellant,
H. J. Ryan,
Box 881,
Nashville 1, Tenn.

July 13th, 1962.

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

H. J. RYAN,

vs.

THE PRESIDENT OF THE SENATE, United States Congress, Washington, District of Columbia through his counsel for all United States Government Agencies; United States District Attorney, Nashville, Tennessee.

Civil No. 3178

ORDER

(Received for Entry 1:20 P.M. Filed July 18, 1962. Andrew H. Mizell, Clerk, By /s/ Betty Carter, D. C.)

This cause came on to be heard before the Honorable William E. Miller, Judge in and for the Middle District of Tennessee, on the plaintiff's motion that a three judge panel be appointed to hear this case and on the motion of the defendant that service of process be quashed and that the plaintiff's case be dismissed.

After hearing argument by the plaintiff, who appeared in his own behalf and argument of the Assistant United States Attorney, the Court is of the opinion that the plaintiff's motion is not well taken and that the motion filed in behalf of the defendant should be sustained.

IT IS, THEREFORE, ORDERED that plaintiff's motion for a three judge panel is overruled and the motion of the defendant that service of process be quashed and the plaintiff's suit dismissed be sustained.

Enter:

/s/ Wm. E. Miller,
United States District Judge.

/s/ Joseph L. Lackey, Jr.,
Ass't. U. S. Attorney.

July 18, 1962.

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

H. J. RYAN,

v.

THE PRESIDENT OF THE SENATE, United States Congress, Washington, District of Columbia through his counsel for all United States Government Agencies; United States District Attorney, Nashville, Tennessee.

Civil Action No. 3178

MOTION TO QUASH SERVICE OF PROCESS, TO DISMISS THE CAUSE, AND FOR SUMMARY JUDGMENT

(Filed March 12, 1962. Andrew H. Mizell, Clerk,
By /s/ Betty Carter, D. C.)

Comes now the defendant by his attorney, the United States Attorney, and moves the Court to dismiss the above cause on one or more of the following grounds:

1. Plaintiff fails to allege the grounds upon which the Court's jurisdiction depends, in compliance with Rule 8(a) of the Federal Rules of Civil Procedure.

2. The defendant was served with process, if at all, in Washington, D. C., and this Court lacks jurisdiction over him.

3. Plaintiff may not sue an officer of the United States solely by his official designation.

4. The complaint fails to state a claim upon which relief can be granted.

5. The complaint fails to show a justiciable case or controversy.

6. Plaintiff has no standing to sue.

7. As shown by the attached certified copies of the pleadings and orders in the case of H. J. Ryan v. President of the Senate, Civil Action No. 845-61, in the United States District Court for the District of Columbia, this cause has theretofore been adjudicated and the judgment of the said Court therein is res judicata.

Respectfully submitted,

Kenneth Harwell,
United States Attorney,
/s/ Carrol D. Kilgore,
Carrol D. Kilgore,
Assistant United States Attorney.

It is hereby certified that the copies of this motion and of the memorandum brief filed in support thereof have been mailed to the plaintiff, H. J. Ryan, P. O. Box 881, Nashville, Tennessee, this the 12 day of March, 1962.

/s/ Carrol D. Kilgore,
Assistant United States Attorney.

MOTION FOR EXTRAORDINARY AND ABOVE EVERY OTHER CASE THREE-JUDGE HEARING OF CIVIL ACTION No. 3178, FILED JANUARY 19th, 1962, WHICH HAS BEEN DELAYED SIX MONTHS ALREADY IN THE HEARING OF CASES OF LESSER IMPORTANCE.

CIVIL ACTION 3178, FILED JANUARY 19TH, 1962, IN THE UNITED STATES DISTRICT COURT FOR MIDDLE DISTRICT OF TENNESSEE, NASHVILLE, TENNESSEE.

(Filed July 9, 1962. Andrew H. Mizell, Clerk, By Guy W. Cooper, D. C.)

H. J. Ryan, Citizen of the United States, Nashville 1, Tennessee, USA,
Complainant,

vs.

President of the Senate, United States Congress, Washington 1, District of Columbia, Through His Counsel, U. S. District Attorney, Nashville, Tennessee, USA,
Defendant.

1.

As this is probably the most important case ever placed before a United States Court, Motion is again hereby respectfully made for an Extraordinary and Above Every Other Case Three-Judge Hearing as it has been Delayed Six Months already with the hearing of cases of lesser importance.

2.

If Three-Judge Hearing is not agreed upon by the One-Judge Hearing at Nashville, Tennessee, this case will be immediately appealed to the Sixth Circuit Court of Appeals at Cincinnati, Ohio, for ruling as to this Three-Judge Hearing, as this is probably the most important case ever

placed before a United States Court, the Supreme Court having already refused to take original jurisdiction.

3.

However after Three-Judge Hearing of this case at Nashville, Tennessee, it will again be appealed direct to the Supreme Court of the United States as in the Reapportionment case heard before a Three-Judge Hearing at Nashville, Tennessee.

/s/ H. J. Ryan
Complainant.

July 9th, 1962.

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

Civil Action File No. 3178

H. J. RYAN,
Plaintiff,
v.
THE PRESIDENT OF THE SENATE, United States Congress, Washington, District of Columbia through his counsel for all United States Government Agencies; United States District Attorney, Nashville, Tennessee,
Defendant.

SUMMONS

To the above named defendant:

You are hereby summoned and required to serve upon H. J. Ryan, P. O. Box 881, Nashville, Tennessee, or 1031-16th Avenue, South, Nashville, Tennessee,
an answer to the complaint which is herewith served upon you, within (60) days after service of this summons

upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Andrew H. Mizell,
Clerk of Court.

/s/ Betty Carter,
Betty Carter
Deputy Clerk.

Date: January 19, 1962. [Seal of Court]

Note.—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

RETURN ON SERVICE OF WRIT

I hereby certify and return, that on the day of 19 , I received this summons and served it together with the complaint herein as follows:

.....,
United States Marshal.

By .....,
Deputy United States Marshal.

Marshal's Fees

Travel ..... $.....
Service ....
.....

Subscribed and sworn to before me, a ..... this ..... day of ....., 19....

[Seal] .....

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

No. _____

UNITED STATES DISTRICT COURT
FOR THE

_____

v.

SUMMONS IN CIVIL ACTION

Returnable not later than _____ days after service.

_____
Attorney for Plaintiff.

U. S. MARSHAL'S RETURN OF SERVICE

UNITED STATES OF AMERICA
District of Columbia

H. J. Ryan

vs.

The President of the Senate

Clerk's No. _____
U. S. Marshal No. E-102001
Received by U. S. M. 1-23-62
(Date and time)

I hereby certify and return that I served the annexed (Writ) Summons and Complaint on the therein-named (Individual, company, corporation, etc.) The President of the Senate by handing to and leaving a true and correct copy thereof with Mr. Walter Jenkins, Administrative Assistant to V. P. Johnson personally at (Address—Street number, apartment number) Rm. 274—Executive Offices

(City) of the White House in the said District at 11:30 a.m.,—p.m., on the 23rd day of January, 1961.

James J. P. McShane,
United States Marshal.

By /s/ Sam F. Morina,
Deputy.

Marshal's fees $1.00

Mileage .....

(Filed January 25, 1962. Andrew H. Mizell, Clerk.
By /s/ Betty Carter, D. C.)

I hereby certify and return that I served the annexed (Writ) ..... on the therein-named (Individual, company, corporation, etc.) ..... by handing to and leaving a true and correct copy thereof with ..... personally at (Address—Street number, apartment number) ..... (City) ..... in the said District at ..... a.m.—p.m., on the ..... day of ....., 19.....

....., United States Marshal.

By ....., Deputy.

Marshal's fees .....

Mileage .....

RETURN ON SERVICE OF WRIT

(Filed January 19, 1962. Andrew H. Mizell, Clerk.
By /s/ Betty Carter, D.C.)

I hereby certify and return, that on the 19th day of January, 1962. I received this summons and served it

together with the complaint herein as follows: by mailing copy to U. S. Marshal, Washington, D. C., for service on the President of the Senate; by mailing via certified mail, return receipt requested, a copy to the Attorney General, Washington, D. C., and by serving a copy to the U. S. District Attorney, Nashville, Tennessee, this 19th day of January, 1962.

Elmer W. Disspayne,
United States Marshal.

By /s/ W. W. Beaty,
Deputy United States Marshal.

Marshal's Fees

Travel ..... $.....

Service ....

.....

Subscribed and sworn to before me, a this day of , 19 .

[Seal]

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

No. .....

UNITED STATES DISTRICT COURT

FOR THE

.....

v.

SUMMONS IN CIVIL ACTION

Returnable not later than days after service.

.....

Attorney for Plaintiff.

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

Civil Action File No. 3178

H. J. RYAN,
Plaintiff,

v.

THE PRESIDENT OF THE SENATE, United States Congress, Washington, District of Columbia, through his counsel for all United States Government Agencies; United States District Attorney, Nashville, Tennessee,
Defendant.

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve upon H. J. Ryan, P. O. Box 881, Nashville, Tennessee, or 1031-16th Avenue, South, Nashville, Tennessee,
an answer to the complaint which is herewith served upon you, within (60) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Andrew H. Mizell,
Clerk of Court.

/s/ Betty Carter,
Betty Carter,
Deputy Clerk.

Date: January 19, 1962. [Seal of Court]

Note.—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

PLAINTIFF'S EXHIBITS:

None.

DEFENDANT'S EXHIBITS:

None.

Witness, my hand and Official Seal of said Court at my office in the City of Nashville, Davidson County, Tennessee, Division and District aforesaid, on this 26th day of July, 1962, and the Independence of the United States of America, the 186th year.

/s/ Andrew H. Mizell,
Andrew H. Mizell,
Clerk, United States District Court, Middle District of Tennessee.

Attorney for Plaintiff-Appellant: H. J. Ryan (for self), P. O. Box 881, Nashville, Tennessee.

Attorney for Defendant-Appellee: Kenneth Harwell, U. S. Attorney, Nashville 3, Tennessee.

H. J. Ryan, Citizen of the United States, Postoffice Address Box 881, Nashville, Tennessee, Residence address 1031 16th Avenue South, Nashville, Tennessee,

Plaintiff,

vs.

The President of the Senate, United States Congress, Washington, District of Columbia, through his counsel for all United States Government Agencies, United States District Attorney, Nashville, Tennessee,

Defendant.

Civil No. 3178

In United States District Court, Middle District of Tennessee, Nashville, Tennessee.

(Filed January 19, 1962. Andrew H. Mizell, Clerk. By /s/ Betty Carter, D. C.)

With copy of complaint to be served upon United States District Attorney, United States Court House, Nashville, Tennessee, by United States Marshal.

Extraordinary and above every other case hearing is requested as this is probably the most important case ever placed before a United States Court for the reasons stated herein.

1.

The complainant respectfully requests an extraordinary and above every other case hearing of this matter for the reason that the present President and Vice-President of the United States have not been constitutionally and lawfully seated since January 20th, 1961, and we will not have a constitutional and lawful President and Vice-President of the United States until the Constitution of the

United States is conformed with about "appointment" of electors by the State Legislature of the 50 States of the United States.

2.

The Constitution of the United States goes into detail about the "appointment" of the electors, and in greater detail about the manner in which these electors shall give their vote for President and Vice-President of the United States, how these electors must sign, certify, and transmit, sealed, these electoral votes to the seat of Government of the United States, directed to the President of the Senate, who is named as defendant in this case, through his counsel, the United States District Attorney of this district at Nashville, Tennessee.

3.

Paragraph 2 of Section 1 of Article 2 of the Constitution of the United States reads:

> "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; * * *."

Paragraph 3 of Section 1 of Article 2 of the Constitution of the United States reads:

> "The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all persons voted for, and of the number of votes for each, which list they shall sign and certify and transmit, sealed, to the seat of Government of the United States, directed to the President of the Senate. * * *."

Paragraph 4 of Section 1 of Article 2 of the Constitution of the United States reads:

> "The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States." (The date for these electors to give their vote in 1960 was November 8th, 1960.)

Article 12 of Amendments to the Constitution of the United States reads:

> "The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct list of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of Government of the United States, directed to the President of the Senate; * * *."

4.

The electoral votes in the presidential election of November 8th, 1960, were "rigged" from the popular vote, with the names of the electors for each of the two major political party candidates for President and Vice-President shown on the election machines and ballots, letting the people "appoint" these electors by their vote, instead of the State Legislature of the 50 States of the United States "appointing" these electors comformable to the provisions of the Constitution of the United States cited and quoted above.

5.

There have never been any constitution provisions authorizing the popular vote election of President and Vice-President of the United States since the Constitution of the United States was established, but there have always been constitutional provisions for the electoral vote election of President and Vice-President of the United States.

6.

Considering presidential elections prior to 1960, 1956 and going back to 1888, the candidates for President and Vice-President who were constitutionally elected, in most instances received a majority of both the electoral and popular vote, however in 1888 Benjamin Harrison received the greatest number of electoral votes, and Grover Cleveland received the greatest number of popular votes, but the electoral votes took precedence over the popular votes, as there is constitutional provision for the electoral vote, and no constitutional provision for the popular "straw" vote, and Benjamin Harrison was seated with his Vice-President in March 1889. In the next presidential election, Grover Cleveland received a majority of both electoral and popular votes and was seated as President with his Vice-President as he had been seated in a prior election to 1888. However the fact that there was a difference between the electoral vote and the popular vote in the presidential election of 1888, proved that the electoral vote was obtained in a different manner from the popular vote, and were not "rigged" together as in the presidential election of November 8th, 1960.

7.

The first five Presidents of the United States were elected entirely by constitutional electoral votes, and there

were no unconstitutional popular "straw" vote elections at all. It took some time for the electors to give their votes and transmit same to the seat of Government of the United States at Washington, directed to the President of the Senate, where the President of the Senate had to open and count these electoral votes in the presence of a joint session of House and Senate of the United States Congress, some days after the day named by Congress to be the same throughout the United States as general election day, and the two major political parties agreed to have a "straw" vote popular election, which was never authorized by provisions of the Constitution of the United States, although there may be some mention made of a popular vote election in the United States Code, but it should be remembered at all times that the Constitution of the United States takes precedence over United States Code law, as the Constitution of the United States represents two-thirds vote of the United States Congress and three-fourths vote of all the States of the United States, whereas United States Code provisions only require a majority vote of the United States Congress, however the people of the United States who were 21 years of age and over began to vote in a popular "straw" vote election in 1824 for President and Vice-President of the United States on the same day that the electors voted, which day was the same throughout the United States, and the vote of the people was counted the same day immediately after the polls or election places were closed, and the result of the people's "straw" vote was known a considerable time before the constitutionally authorized electoral vote, but this popular "straw" vote has usually been a portent of the later electoral vote, just like a primary election in some of the States of the United States is usually a portent of the general election result, as in most of the presidential elections the candidate receiving the majority electoral votes also received the majority pop-

ular votes, but there were differences in some few instances as in 1888 and 1824, and the electoral vote always takes precedence, for the reason that the electoral vote is authorized by provisions of the Constitution of the United States, and the popular "straw" vote has never been authorized by provisions of the Constitution of the United States. The electoral vote is the vote of a more enlightened electorate who are advanced in years of wisdom and experience and there is less opportunity of fraud in an electoral vote election. For instance, in the presidential election of 1960, there were only 537 electoral votes to be counted, whereas 120 million and over voted in the popular "straw" vote election, and there were greater opportunities of fraud when over 120 million people were voting, and many of these 120 million voters were just 21 years of age and somewhat older and lacked the wisdom and experience of persons more advanced in years who are generally "appointed" electors. Beginning with the sixth presidential election, there was a popular "straw" vote election along with the electoral vote election in 1824, in which John Quincy Adams was opposed by Andrew Jackson, Henry Clay, and William H. Crawford, at which time Andrew Jackson got most of the popular votes, but no candidate of the four got the majority electoral votes, and the election was thrown into the House of Representatives, and Adams was elected by the House of Representatives as the sixth President, however Andrew Jackson got the majority of the electoral votes as well as a majority of the popular "straw" votes in the next presidential election and became the seventh President of the United States.

8.

Looking back to 1888 and 1824, it is proven conclusively that the electoral vote was obtained in a different manner from the popular "straw" vote, and were not "rigged" to-

gether as in the last presidential election of November 8th, 1960.

9.

It may be that since we have no record of any complaints being made prior to 1960, that all the presidential elections since 1888 have been elections where the electoral votes have been "rigged" together with the popular "straw" vote, but the complainant points out that unconstitutionality must be corrected whenever and wherever we find it and by whomever it may be found.

10.

Paragraph 2 of Article 6 of the Constitution of the United States reads:

> "This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

Paragraph 3 of Article 6 of the Constitution of the United States reads:

> "The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States shall be bound by oath or affirmation to support this Constitution; * * *."

All judges and officers of the United States make a solemn oath or affirmation before God to support and uphold the Constitution of the United States as the "supreme law of the land" and are bound thereby, and have not

made a solemn oath or affirmation before God to support and uphold unconstitutionality, which is very evident in the presidential election of November 8th, 1960.

11.

This matter was presented to the Supreme Court of the United States before Thanksgiving Day in November, 1960, shortly after the election of November 8th, 1960, but the complainant only had proof and evidence at that time, that Tennessee and a few other States, five or six, had shown these electors on the election machines and ballots, rather than have their State Legislature "appoint" these electors conformable to the Constitution of the United States, and he requested the Supreme Court of the United States to hear the case, as he believed that 35 of the States of the United States having Democratic Governors had followed a pattern of showing the names of electors on election machines and ballots, which had never been done before in a presidential election in the United States, rather than have these electors "appointed" by the State Legislature of these 35 States, and he wanted the Attorney General of these 35 States to be summoned to Washington in a hearing of this case before the Supreme Court of the United States before Inauguration Day of January 20th, 1961, but the Supreme Court of the United States refused to take jurisdiction of this case.

12.

This matter was then called to the attention of 537 members of both House and Senate of the United States Congress in December, 1960, by United States Mail, prior to the convening of Congress in January, 1961, and prior to Inauguration Day of January 20th, 1961, and they were asked to set up an Electoral Commission in January, 1961, as was set up in January 1877, in a disputed electoral vote

election between Rutherford B. Hayes and Samuel J. Tilden, in which Tilden got the majority of the popular "straw" vote, but Hayes got a majority of the electoral vote and was seated as President with his Vice-President, (proving again that the electoral vote was obtained in a different manner from the popular "straw" vote and was not "rigged" together as in the presidential election of November 8th, 1960), but neither the Democratic or Republican Party would set up this Electoral Commission in January 1961, as was done in January 1877, allowing this very evident unconstitutionality to continue.

13.

The complainant was well aware that this unconstitutionality should not be continued, so he secured the names of all members of the State Legislature from the Secretaries of State of the 50 States of the United States, and he wrote these members of the State Legislature of the 50 States by United States Mail, and attached herewith to this complaint are 78 letters of proof and evidence from 38 States of the United States, representing 435 electoral votes, which is a great majority of the 537 electoral votes required to seat the President and Vice-President of the United States, in which they advise by "NO" check mark, that they were not assembled to "appoint" the electors in the presidential election of November 8th, 1960, therefore the electoral votes that were submitted to the President of the Senate at Washington prior to Inauguration Day of January 20th, 1961, were "rigged" from the popular "straw" vote, and were unconstitutional, and the present President and Vice-President of the United States are not constitutionally and lawfully seated, and have not been since January 20th, 1961.

14.

This case should be given an extraordinary and above every other case hearing as we will not have a constitutional and lawful President and Vice-President of the United States until the Constitution of the United States is conformed with about the presidential electors being "appointed" by the State Legislature of the 50 States of the United States.

15.

This case was presented to the United States District Court for the District of Columbia at Washington on March 20th, 1961, however an extraordinary and above every other case hearing was not requested then, but the case was not heard until July 27th, 1961, and the complaint was made on only one page as the Supreme Court of the United States would not take jurisdiction, and the complainant wondered if the United States District Court for the District of Columbia would take jurisdiction, however they did take jurisdiction, but did not hear the case until July 27th, 1961. The complainant has the 78 letters of proof and evidence, but they were so bulky he did not submit these 78 letters of proof and evidence with his one page complaint, thinking that the trial judge would look at the 78 letters of proof and evidence when the case was heard, the complainant being present at Washington at that time to speak in behalf of the complaint, but the trial judge shook his head negatively and refused to look at the 78 letters of proof and evidence, which is the particular basis for re-presenting this case to the United States District Court at Nashville, Tennessee, and the complainant is presenting these 78 letters of proof and evidence along with this complaint, even though they are somewhat bulky, so that the judge of the United States District Court at Nash-

ville will not fail to look at these 78 letters of proof and evidence that the presidential election of November 8th, 1960, was "rigged", with the electoral vote combined with the popular "straw" vote, contrary to the Constitution of the United States.

16.

When the complainant filed this case with the United States District Court for the District of Columbia at Washington on March 20th, 1961. He was advised by letter through the United States Mail from one of the Deputy Clerks of this Court, that the complaint with summons had been served by a United States Marshal upon the defendant, and complainant when he was in Washington to attend the hearing of the case talked with the Deputy Clerk about the summons upon the defendant, and upon reading of the wording of the summons he noted that a defendant in a case had to answer within 30 days plus 1 day of grace, but was advised that all United States agencies had 60 days plus 1 day of grace in which to answer, and as 60 days plus 1 day of grace had elapsed since March 20th, 1961, making the deadline May 21st, 1961, and defendant through his counsel, the United States Attorney, did not answer until after the deadline, the complainant called upon the trial judge to allow forfeiture of the relief demanded by the complainant, but the trial judge refused to allow this forfeiture, and dismissed the case in favor of the defendant. However this matter of summons and forfeiture was a technical matter, greatly lesser in importance than the 78 letters of proof and evidence that the presidential election of November 8th, 1960, was unconstitutional because the electoral votes had been "rigged" and combined with the popular "straw" vote, which 78 letters of proof and evidence the trial judge refused to look at, although the complainant held them high in his hand so that he could see them and requested that he look at them.

17.

Complainant appealed this case to the United States Court of Appeals for the District of Columbia at Washington, and because of the delay of hearing from March 20th, 1961 to July 27th, 1961, in the United States District Court for the District of Columbia at Washington, he requested an extraordinary and above every other case hearing in the Appeals Court in September 1961, when the Court convened after recess, and stated that he would like to come to Washington to plead in behalf of this case, however he had previously sent 7 copies of these 78 letters of proof and evidence, amounting to 546 letters in all, but the case was waived aside and dismissed, without the complainant and appellant having an opportunity of coming to Washington to plead against the continuance of the unconstitutionality of the electoral votes in the presidential election of November 8th, 1960, however the 78 letters of proof and evidence, 7 copies of them, amounting to 546 letters in all, were never returned to the complainant and appellant, although he requested repeatedly that they be returned.

18.

The United States Attorney at Washington who acted as counsel for defendant in the United States District Court for the District of Columbia, when this case was heard in this Court on July 27th, 1961, did not argue this case on a constitutional and unconstitutional basis, but cited lesser law and lesser authorities, based upon the Code of the United States, provisions of which Code only require a majority vote of Congress to enact, whereas the Constitution of the United States requires two-thirds vote of the Congress, and three-fourths vote of all the States of the United States, proving that the Constitution of the United States is supreme law and supreme authority in the United States in civil affairs, and provisions of the

Code of the United States are lesser law and lesser authority in the United States. The United States Attorney also stated that the complainant had no "standing" to complain about this unconstitutionality, whereas complainant maintains that unconstitutionality must be corrected whenever and wherever we find it and by whomever it may be found, whether their position be that of an ordinary citizen of the United States or that of a high official of a State or of the United States. The United States Attorney as well as all United States officers and judges have made a solemn oath or affirmation before God that they will support and uphold the Constitution of the United States, and have not made a solemn oath or affirmation before God to support and uphold and continue unconstitutionality, therefore the United States Attorney at Washington should have considered unconstitutionality indefensible at all times, if he is to be faithful to the solemn oath or affirmation he has made before God to support and uphold the Constitution of the United States at all times.

19.

The complainant has submitted these 78 letters of proof and evidence in August, 1961, I believe it was about this time, to the Chairman and Committee on Government Organization of the United States Congress at Washington, which Committee on Government Organization is a successor to the Rackets Committee, which made a very thorough and comprehensive investigation of the Teamster's Union and other Labor Organizations, and the complainant pointed out that this was a vastly more important matter than the Teamster's Union and other Labor Organization matters, and that the matter of unconstitutionality of the electoral votes in the presidential election of November 8th, 1960, should be given a more thorough and complete investigation, but so far and since they have been silent as

a tomb about the matter, although they still have with them the 78 letters of proof and evidence of unconstitutionality.

20.

The complainant has brought this matter of unconstitutionality of electoral votes in the presidential election of November 8th, 1960, to the attention of members of the United States Congress, both House and Senate, many times, but they seem to feel that if they make an investigation of this matter, it would "disrupt the Democratic Party" or "disrupt the Republican Party" and they "won't be elected again". Therefore, it is necessary to present this matter again to a United States Judge, "who are appointed for life" and "don't have to worry about political parties" or "getting elected again". United States Judges and United States Courts "certainly don't want the Constitution of the United States to be disrupted either".

21.

As all United States officers and judges make a solemn oath or affirmation before God to support and uphold the Constitution of the United States at all times, and do not make a solemn oath or affirmation before God to support and uphold and continue unconstitutionality at any time, therefore the United States District Attorney at Nashville, should consider this matter of unconstitutionality of electoral votes in the presidential election of November 8th, 1960, entirely indefensible, and the United States Judge of the United States District Court at Nashville, should rule that the electoral votes in the presidential election of November 8th, 1960, were entirely unconstitutional.

/s/ H. J. Ryan,
Complainant,
H. J. Ryan,
Citizen of the United States,
Box 881,
Nashville 1, Tenn.

1-16-62

2	letters	from	Alabama	representing	11	electoral	votes.
2	"	"	Alaska	"	3	"	"
2	"	"	Arkansas	"	8	"	"
2	"	"	California	"	32	"	"
2	"	"	Colorado	"	6	"	"
1	"	"	Connecticut	"	8	"	"
3	"	"	Delaware	"	3	"	"
2	"	"	Florida	"	10	"	"
1	"	"	Hawaii	"	3	"	"
1	"	"	Illinois	"	27	"	"
1	"	"	Iowa	"	10	"	"
1	"	"	Kansas	"	8	"	"
1	"	"	Louisiana	"	10	"	"
3	"	"	Maryland	"	9	"	"
2	"	"	Massachusetts	"	16	"	"
1	"	"	Michigan	"	20	"	"
2	"	"	Missouri	"	13	"	"
1	"	"	Montana	"	4	"	"
2	"	"	Nebraska	"	6	"	"
1	"	"	Nevada	"	3	"	"
2	"	"	New Jersey	"	16	"	"
16	"	"	New York	"	45	"	"
1	"	"	North Carolina	"	14	"	"
2	"	"	North Dakota	"	4	"	"
1	"	"	Ohio	"	25	"	"
3	"	"	Oklahoma	"	8	"	"
1	"	"	Oregon	"	6	"	"
2	"	"	Pennsylvania	"	32	"	"
2	"	"	Rhode Island	"	4	"	"
1	"	"	South Carolina	"	8	"	"
1	"	"	South Dakota	"	4	"	"
3	"	"	Tennessee	"	11	"	"
1	"	"	Utah	"	4	"	"
3	"	"	Virginia	"	12	"	"
2	"	"	Washington	"	9	"	"
2	"	"	West Virginia	"	8	"	"
1	"	"	Wisconsin	"	12	"	"
1	"	"	Wyoming	"	3	"	"
78	"	"	38 States	"	435	"	"

Total electoral votes of 50 States	537
Electoral votes of above 38 "	435
	102

A. C. Shelton,
Member of Senate,
State Legislature of Alabama,
Jacksonville, Ala.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Sim A. Thomas,
Member of House of Representatives,
State Legislature of Alabama,
Eufaula, Ala.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Brad Phillips,
Member of Senate,
State Legislature of Alaska,
Box 34, Anchorage, Alaska.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO..... YES.....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

William H. (Bill) Sanders,
Member of House of Representatives,
State Legislature of Alaska,
Box 1599, Anchorage, Alaska.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960. to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO..... YES.....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Madison Washington,
Member of Senate,
State Legislature of Arkansas,
Fayetteville, Ark.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..√.. or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Hampton A. Etheridge, Jr.,
Member of Representatives,
State Legislature of Arkansas,
Crossett, Ark.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO.....√..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO..... YES.....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Glenn E. Coolidge,
Member of Assembly,
State Legislature of California,
Coolidge Bldg., Felton, Cal.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO.....√..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Ed C. Johnson,
Member of Senate,
State Legislature of California,
PO Box 31, Marysville, Cal.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO.....√..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO..... YES.....

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

(Sig.) Ed C. Johnson.

Palmer L. Burch,
House of Representatives,
Member of State Legislature of Colorado,
395 Fairfax St., Denver, Colo.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled

to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..√.. or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Our State law provides for the selection of presidential electors by the two parties at their conventions and both parties follow the law.

William E. Bledsoe,
Member of Senate,
State Legislature of Colorado,
Hugo, Colo.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..√.. or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

James B. Lowell Jr.,
Member of House of Representatives,
State Legislature of Connecticut,
Box 47, Canton, Conn.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Ralph S. Keenan,
Member of House of Representatives,
State Legislature of Delaware,
1114 N. Bancraft Parkway, Wilmington, Del.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO.....√..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO..... YES..... .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Charles F. Richards,
Member of House of Representatives,
State Legislature of Delaware,
Dover, Del.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..√.. or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Our electors are elected at political conventions.

James H. Snowden,
Member of Senate,
State Legislature of Delaware,
3703 Washington St., Wilmington, Del.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..√.. or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO_____ YES_____.

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

John J. Crews, Jr.,
Member of House of Representatives,
State Legislature of Florida,
PO Drawer 467, MacClenny, Fla.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO..... YES.....

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Clyde Galloway,
Member of Senate,
State Legislature of Florida,
DeFuniak Springs, Fla.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO.....√..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO..... YES.....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

William H. Hill,
Member of Senate,
State Legislature of Hawaii,
PO Box 747, Hilo, Hawaii.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled

to have in the Presidential election of November 8th, 1960?

Kindly answer NO_____√_____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO_____ YES_____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

W. Russell Arrington,
Member of Senate,
State Legislature of Illinois,
929 Edgemere Court, Evanston, Ill.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO_____√_____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO_____ YES_____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Howard C. Buck,
Member of Senate,
State Legislature of Iowa,
Senate House, Des Moines, Ia.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

L. Schram,
Member of Senate,
State Legislature of Kansas,
Hiawatha, Kan.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..√.. or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

W. J. Cleveland,
Member of Senate,
State Legislature of Louisiana,
324 W. Northern Ave., Crowley, La.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO.....√..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO..... YES.....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Noel Speir Cook,
Member of House of Representatives,
State Legislature of Maryland,
5 Broadway, Frostburg, Md.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO.....√..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Charles M. See,
Member of Senate,
State Legislature of Maryland,
508 Forster Ave., Cumberland, Md.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville 1, Tenn.

2-27-61

Lester B. Reed,
Member of House of Delegates,
State Legislature of Maryland,
Mt. Savage, Md.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Allan F. Jones,
Member of House of Representatives,
State Legislature of Massachusetts,
Barnstable, Mass.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by

check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Warren A. Turner,
Member of House of Representatives,
State Legislature of Massachusetts,
Lee, Mass.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO .....√..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Frank D. Beadle,
Member of Senate,
State Legislature of Michigan,
150 Brown St., St. Clair, Mich.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Our Michigan Statutes provide for nomination of electors by party conventions, to go on the ballot, for decision by the people at the general election.

W. R. Henry,
Member of House of Representatives,
State Legislature of Missouri,
242 Highway 5 South, Camdenton, Mo.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November

8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ....√.... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Floyd R. Gibson,
Member of Senate,
State Legislature of Missouri,
11521 Winner Rd., Independence, Mo.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ....√.... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Russell H. Anderson,
Member of Senate,
State Legislature of Montana,
Wibaux, Mont.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Kenneth L. Bowen,
Member of Legislature,
State Legislature of Nebraska,
Red Cloud, Neb.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

George H. Fleming,
Member of Legislature,
State Legislature of Nebraska,
1145 14th Ave., Sidney, Neb.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO __X__ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Edward Dyer,
Member of House of Representatives,
State Legislature of Nevada,
Route 1, Box 45, Fallon, Nev.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO __X__ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

William W. Evans, Jr.,
Member of General Assembly,
State Legislature of New Jersey,
474 Caldwell Dr., Wyckoff, N. J.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO Not to his knowledge about 1956. YES .....

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Frank S. Farley,
Member of Senate,
State Legislature of New Jersey,
503 Schwehm Bldg., Atlantic City, N. J.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ____X____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

John H. Hughes,
Member of Senate,
State Legislature of New York,
8th Floor, Onondaga County Sav. Bnk. Bldg., Syracuse, 2, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ____√____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Willard C. Drumm,
Member of Assembly,
State Legislature of New York,
Niverville, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

George Eustis Paine,
Member of Senate,
State Legislature of New York,
P. O. Box 36, Keeseville, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ____√____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Thomas Laverne,
Member of Senate,
State Legislature of New York,
706 Wilder Bldg., Rochester, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ____√____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

George H. Pierce,
Member of Senate
State Legislature of New York,
305 Masonic Temple, Olean, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ____√____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

George W. Cornell,
Member of Senate,
State Legislature of New York,
225 Broadway, New York, 7, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ____X____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Elisha T. Barrett,
Member of Senate,
State Legislature of New York,
208 W. Main St., Islip, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Dutton S. Peterson,
Member of Senate,
State Legislature of New York,
Odessa, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..... √ ..... or YES ..... by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO ..... YES .....

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

It is not done in this fashion but by election on June Primary ballot.

MacNeil Mitchell,
Member of Senate,
State Legislature of New York,
36 W. 44th St., New York, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ____X____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Fred J. Rath,
Member of Senate,
State Legislature of New York,
125 Griskany St., W., Utica, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November

8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ——√—— or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Daniel S. Dickinson, Jr.,
Member of House of Representatives,
State Legislature of New York,
Whitney Point, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960? (Not our practice or procedure.)

Kindly answer NO ——√—— or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Walter Van Wiggeren,
Member of Senate,
State Legislature of New York,
2 Seld Block, Herkimer, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
Complainant of this matter before
the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Warren M. Anderson,
Member of Senate,
State Legislature of New York,
7th Floor, Security Mutual Bldg., Binghamton, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___X___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

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United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Henry A. Wise,
Member of Senate,
State Legislature of New York,
204 Nat'l Bn'k Bldg., Watertown, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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NO _____ YES _____

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Nashville, 1, Tenn.

2-27-61

Hunter Meighan,
Member of Senate,
State Legislature of New York,
100 Mamaroneck Ave., Mamaroneck, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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NO _____ YES _____

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Box 881,
Nashville, 1, Tenn.

2-27-61

E. Ogden Bush,
Member of Senate,
State Legislature of New York,
DeLancey, N. Y.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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NO _____ YES _____

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Nashville, 1, Tenn.

2-27-61

Clyde M. Roberts,
Member of Senate,
State Legislature of North Carolina,
Marshall, N. C.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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NO _____ YES _____

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Nashville, 1, Tenn.

2-27-61

Trenheath Grant,
Member of Senate,
State Legislature of North Dakota,
Neche, N. D.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

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NO _____ YES _____

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United States Congress,
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Nashville, 1, Tenn.

2-27-61

Kenneth C. Lowe,
Member of House of Representatives,
State Legislature of North Dakota,
Grand Forks, N. D.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

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United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Don K. Cooper,
Member of House of Representatives,
State Legislature of Ohio,
1237 Thomas Dr., Ashland, O.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

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United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Bert F. Page,
Member of House of Representatives,
State Legislature of Oklahoma,
Enid, Okla.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___X___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

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United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Robert H. Breeden,
Member of Senate,
State Legislature of Oklahoma,
Cleveland, Okla.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

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United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

John N. Camp,
Member of House of Representatives,
State Legislature of Oklahoma,
Waukomis, Okla.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

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United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Eddie Ahrens,
Member of Senate,
State Legislature of Oregon,
Route 4, Box 61-A, Salem, Oregon.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

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NO _____ YES _____

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United States Congress,
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2-27-61

Richard L. Adams,
Member of Representatives,
State Legislature of Pennsylvania,
1907 Elizabeth Ave., Laureldale, Pa.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

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2-27-61

I was not a member on the above date. (RLA).

Clarence D. Bell,
Member of Senate,
State Legislature of Pennsylvania,
507 Welsh St., Chester, Pa.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
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United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Henry C. Hawkins,
Member of House of Representatives,
State Legislature of Rhode Island,
West Glocester, RFD 1, R. I.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ___√___ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

H. J. Ryan,
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Box 881,
Nashville, 1, Tenn.

2-27-61

The electors are elected at the party conventions.

(sig) Henry C. Hawkins,
Rep. Glocester, R. I.

G. Ellsworth Gale, Jr.,
Member of General Assembly,
State Legislature of Rhode Island,
Division Street, Greenwich, R. I.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ..X.. or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

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NO _____ YES _____

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United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Walton M. Stephens,
Member of Senate,
State Legislature of South Carolina,
Box 15, Abbeville, S. C.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ____X____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

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NO _____ YES _____

H. J. Ryan,
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United States Congress,
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Nashville, 1, Tenn.

2-27-61

Ray E. Bennett,
Member of Senate,
State Legislature of South Dakota,
Brookings, S. D.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ____X____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

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NO _____ YES _____

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Nashville, 1, Tenn.

2-27-61

William D. Baird,
Member of Senate,
State Legislature of Tennessee,
Lebanon, Tenn.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

Kindly answer NO ____X____ or YES _____ by check mark with pencil or pen and return your answer in stamped addressed envelope enclosed.

Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

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United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

Eulas A. Brewer,
Member of House of Representatives,
State Legislature of Tennessee,
Route 2, Westport, Tenn.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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2-27-61

Thomas G. Hull,
Member of House of Representatives,
State Legislature of Tennessee,
Box 256 Main Street, Greeneville, Tenn.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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Box 881,
Nashville, 1, Tenn.

2-27-61

Ross C. Bowen,
Member of Senate,
State Legislature of Utah,
PO Box 564, Brigham City, Utah.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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2-27-61

Sidney Floyd Landreth,
Member of General Assembly,
State Legislature of Virginia,
Galax, Va.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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NO _____ YES _____

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2-27-61

James Clinton Turk,
Member of Senate,
State Legislature of Virginia,
Radford, Va.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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NO _____ YES _____

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2-27-61

Howard Hanson Adams,
Member of Senate,
State Legislature of Virginia,
Eastville, Va.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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Nashville, 1, Tenn.

2-27-61

Cecil C. Clark,
Member of Representatives,
State Legislature of Washington,
Route 2, Box 134, Wapato, Wash.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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Nashville, 1, Tenn.

2-27-61

F. Stewart Foster,
Member of Senate,
State Legislature of Washington,
Route 2, Selah, Wash.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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2-27-61

A. Foster Lineweaver,
Member of Delegates,
State Legislature of West Virginia,
Berkeley Springs, West Va.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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2-27-61

Theodore M. Bowers,
Member of Senate,
State Legislature of West Virginia,
New Martinsville, West Va.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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2-27-61

Robert S. Travis,
Member of Senate,
State Legislature of Wisconsin,
Platteville, Wis.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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2-27-61

Stanley Walters,
Member of Senate,
State Legislature of Wyoming,
Hyattville, Wyo.

If you were a member of the State Legislature of your State on November 8th, 1960, was a Special Session of your State Legislature called prior to, or on November 8th, 1960, to appoint the electors your State was entitled to have in the Presidential election of November 8th, 1960?

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Also answer if you can do so about the Presidential election of 1956?

NO _____ YES _____

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Complainant of this matter before the Rackets Committee,
United States Congress,
Box 881,
Nashville, 1, Tenn.

2-27-61

In the Supreme Court of the United States

OCTOBER TERM, 1962

No. 1095

H. J. RYAN, APPELLANT

v.

THE PRESIDENT OF THE SENATE

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

MOTION TO DISMISS

Pursuant to Rule 16, paragraph 1(c) of the Revised Rules of this Court, the appellee moves that the appeal be dismissed.

DISCUSSION

Appellant seeks to appeal from a court of appeals' judgment, entered on February 22, 1963, affirming a decision of the district court dismissing his complaint, filed against the Vice President in his official capacity as President of the Senate. The complaint contended that the November 1960 presidential election was unconstitutional because of certain alleged deficiencies in the selection of the electoral college.[1]

[1] Appellant has also challenged the validity of the 1960 election in other litigation. Prior to instituting this action

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On March 19th and 31st respectively, appellant forwarded a notice of appeal and an amended notice of appeal to this Court and to the Court of Appeals for the Sixth Circuit. On May 14, 1963, he filed a "jurisdictional statement" in this Court.

Appellant bases his appeal on 28 U.S.C. 1253 (J. 14),[2] which provides for direct appeal to this Court in any case required to be heard by a three-judge district court. However, the decision of which appellant seeks review, is an order of a court of appeals and not of a three-judge district court. To be sure, appellant did initially request a hearing before a three-judge district court. On July 18, 1962, the district court denied that motion, granted the appellee's motion that service of process be quashed, and dismissed the cause. Thereafter, appellant appealed to the Sixth Circuit on the merits of his cause, raising no objection to the denial of his motion for a three-judge district court. Nor does he here take issue with the propriety of that denial, apparently being satisfied at having been "given a 3-Judge Hearing by the United States Appeals Court for [the] Sixth District" (J. 9). Accordingly, it is clear that this cause is not reviewable under this Court's appellate jurisdiction.

---

appellant raised similar contentions in *H. J. Ryan* v. *The President of the Senate*, Civil No. 845-61 (D. D.C.). In *H. J. Ryan* v. *Chairman and Committee on Elections*, Civil No. 1222-61 (D. D.C.), he sought a declaration that the use of election machines in the 1960 election was unconstitutional. The Court of Appeals for the District of Columbia Circuit affirmed the dismissal of each of those suits on December 8, 1961 (Nos. 16,633 and 16,634, unreported).

[2] "J." refers to the "Jurisdictional Statement."

Treating appellant's papers as a petition for a writ of certiorari, appellant's contentions are clearly frivolous. It is plain that the district court properly quashed process on the Vice President, the sole defendant, because service could not be affected with respect to such a suit in the Middle District of Tennessee. Rule 4(f) of the Federal Rules of Civil Procedure provides that service may be made only within the territorial limits in which the district court sits, unless a federal statute provides for service elsewhere. Since no federal statute provides for service in this kind of suit beyond the state of the district court and the Vice President is not resident in Tennessee, the district court properly quashed the process and dismissed the suit for failure of service. Furthermore, it is obvious that appellant has no standing to bring this action. He has no special interest in the 1960 election apart from the public in general. This Court has held that such plaintiffs have no standing to sue. *E.g., Frothingham* v. *Mellon,* 262 U.S. 447. And finally, appellant's contention—that the 1960 presidential election was unconstitutional because the electors in various states were not appointed by the state legislatures—is obviously frivolous on its merits. Article 2, Section 1, of the Constitution provides that the electors shall be appointed as the legislatures direct. Thus, the legislatures have authority to provide that the electors shall be chosen by vote of the people in the state.

CONCLUSION

We respectfully submit that the appeal should be dismissed. Treating appellant's papers as a petition for a writ of certiorari, we submit that the petition should be denied.

ARCHIBALD COX,
Solicitor General.
JOHN W. DOUGLAS,
Assistant Attorney General.
SHERMAN L. COHN,
EDWARD BERLIN,
Attorneys.

JUNE 1963.

U.S. GOVERNMENT PRINTING OFFICE: 1963